

**State of Maryland**  
*State Labor Relations Board*

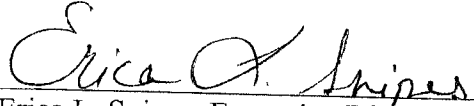
In the matter of:	)	
Nicholas D. Scelsi,	)	
	)	
Petitioner	)	
	)	SLRB ULP Case No. 08-U-01
	)	
v.	)	
	)	
Bobby's Portable Restrooms,	)	
	)	
Respondent	)	

Administrative Dismissal for Failure to State a Claim, Insufficient Service  
& Lack of Jurisdiction

On July 20, 2007, Nicholas D. Scelsi, Petitioner, filed an Unfair Labor Practice complaint before the State Labor Relations Board pursuant to COMAR § 17.07.05. In his complaint, Mr. Scelsi asserted that Bobby's Portable Restrooms ("Respondent") wrongly withheld earnings from his paycheck on two occasions. On the first occasion, Respondent withheld the sum of \$303.72, due to a policy regarding damage to company property. Petitioner claims he was unaware of this policy and had never seen it enforced during the tenure of his employment, despite what Petitioner alleges to be a regular occurrence of damage to company property. On the second occasion, Petitioner claims Respondent wrongly withheld one day's vacation pay, stating that Petitioner was not entitled to the vacation pay since had since resigned his employment with Respondent.

Petitioner's complaint is deficient in three respects. First, the complaint fails to state an unfair labor practice claim under State Personnel and Pension Article §3-306(a)(1)-(9). Second, Petitioner's complaint fails to demonstrate that he is an employee of any of the units of state government described in State Personnel and Pension Article §3-101(a)(1)-(4) of the Collective Bargaining subtitle. Finally, Petitioner failed to file a Certificate of Service attesting that the complaint had been served upon the Respondent, pursuant to COMAR § 17.07.02.12.

Accordingly, this complaint is administratively dismissed because of failure to state a claim, lack of Board jurisdiction to consider the complaint, and deficient service.

  
Erica L. Snipes, Executive Director  
State Labor Relations Board

8/9/07  
August 9, 2007